

ATTORNEY DOCKET NO.
094578.1073

PATENT APPLICATION
09/660,733

1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

W-29-03
15

In re Application of: Wilson, et al.
Serial No.: 09/660,733
Filing Date: September 13, 2000
Group No.: 3743
Examiner: Ciric, L.
Title: METHOD AND APPARATUS FOR TEMPERATURE
GRADIENT CONTROL IN AN ELECTRONIC
SYSTEM

RECEIVED

APR 15 2003

TECHNOLOGY CENTER R3700

Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

I hereby certify that
the enclosed documents
are being deposited with
the United States Postal
Service "Express Mail
Post Office to
Addressee" service under
37 C.F.R. 1.10 on this
11th day of April, 2003,
addressed to Assistant
Commissioner for
Patents, Washington,
D.C. 20231.

Willie Jiles

Express Mail Certificate
EV 193167706 US

SECOND INFORMATION DISCLOSURE STATEMENT

Pursuant to the provisions of 37 C.F.R. §§ 1.56,
1.97 and 1.98, Applicants are enclosing copies of two
documents which may be material to examination of the present
application. Each of the enclosed documents is listed on
enclosed Form PTO-1449.

In more detail, Applicants are submitting a copy of
a Written Opinion (Form PCT/IPEA/408) issued in a

corresponding PCT application (~~PCT/US01/28852~~). This PCT Written Opinion was mailed on March 24, 2003. At the end of the last page, the Written Opinion cites three new documents. One of these three documents (Altoz U.S. Patent No. 4,851,856) is already of record in the present application. Copies of the other two documents are enclosed. One of the two enclosed documents is Gopin Russian Document No. 989,301, which is in the Russian language. Applicants do not have an English-language translation of Gopin, but are submitting with Gopin an English-language abstract of Gopin. Further, the Written Opinion indicates in the last line of the last page the relevance attributed to Gopin by the Examiner who is handling International Preliminary Examination of the PCT application for the PCT International Preliminary Examining Authority, and who happens to be the same Examiner assigned to handle the present U.S. application.

A final rejection was issued in the present application on August 21, 2002, but was subsequently withdrawn (as reflected by Interview Summary Form PTO-413 mailed on December 3, 2002). As explained in MPEP §609(B)(2), "If a final action . . . is mailed in an application and later withdrawn, the application will be considered as not having had a final action... for purposes of considering an information disclosure statement". Accordingly, as permitted by MPEP §609(B)(2), this Second Information Disclosure Statement is being filed under 37 C.F.R. §1.97(c), or in other words after mailing of a first Office Action on the merits, but before mailing of a final rejection or notice of allowance.

The PCT application designates other countries. The Written Opinion was issued by the U.S. Patent Office, but in its capacity as a PCT International Preliminary Examining

Authority, rather than in its capacity as a U.S. government agency which examines U.S. patent applications and issues U.S. patents. Consequently, the Written Opinion effectively constitutes a communication from a foreign patent office in a counterpart foreign application. Further, the Written Opinion was issued less than three months before the filing of the present Information Disclosure Statement. Therefore, in accord with 37 CFR §1.97(c)(1) and (e)(1), Applicants respectfully state that each item of information contained in this Second Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Accordingly, no fee is believed to be due in association with the filing of this Second Information Disclosure Statement.

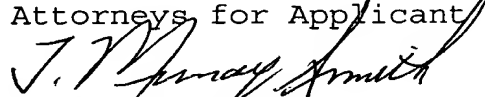
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004578.1073

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09/660,733

4

It is respectfully requested that the enclosed documents be considered on the merits. Further and favorable consideration of this application is respectfully requested.

Respectfully submitted,
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Date: April 11, 2003

Enclosures: Copy of PCT Written Opinion
dated 03-24-1003 (6 sheets)
Form PTO-1449, and one copy of
each listed document
Acknowledgment Post Card